

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSA RAMOS

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/29/12

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Millennium Partners
Sports Club Management
LLC

AMENDED
COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

Jury Trial: ☒ Yes ☐ No

(check one)

12 Civ. 1311 LAP

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)

This action is brought for discrimination in employment pursuant to: (check only those that apply)

_____ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

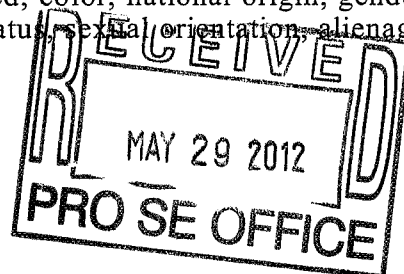
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

_____ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

_____ New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

_____ New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).



I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name ELSA RAMOS
 Street Address 802 - Ninth Avenue Apt 2B
 County, City Manhattan New York City
 State & Zip Code New York 10019
 Telephone Number 646-318-2669 646-570-8214

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Millennium Partners Sports Club mgmt
 Street Address 172 Tremont Street
 County, City Boston
 State & Zip Code Massachusetts 02111
 Telephone Number 617-476-8910

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Reebok Sports Club N.Y.
 Street Address 160 Columbus Avenue
 County, City Manhattan New York City
 State & Zip Code New York 10023
 Telephone Number (212) 1362-6800
212 501-1449

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☐ Failure to hire me.
☒ Termination of my employment.
☒ Failure to promote me.
☒ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation.

Ian Tooley

160 Columbus Avenue

67th street

New York, N.Y. 10023

^{manager}
(Housekeeping Supervisor)

Phone: 212 501-1449

Royette Prescott

160 Columbus Avenue

67th street

New York, N.Y. 10023

²¹²
Phone: 362-6800

(Housekeeping Supervisor)

Robert Kram

General Manager

160 Columbus Avenue

67th street

New York, N.Y. 10023

Phone: 212 362-6800

212 501-1449

✓ Other acts (specify): Harassment from other co-workers
Defamation of Character

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 07-14-2011
07-15-2011 - 07-26, 2011 Date(s)

C. I believe that defendant(s) (check one):

✓ is still committing these acts against me.

✓ is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only 1 use that apply and explain):

☒ race Latino color _____

☐ gender/sex _____ ☐ religion _____

☒ national origin Porto Rican

☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

☒ disability or perceived disability, I broke my (specify)

E. The facts of my case are as follow (attach additional sheets as necessary): middle finger on my right hand in
hott in an
on 03/27/2010, after this I felt that, old dryer,
the management was on top of me,
I was pressure to be very productive
while other people that works with me
never be pithu, or reprimended.
On july 15, 2011 a Friday I believe
I was discriminated based on my
- see attach.

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: December 2011 (Date).

B. The Equal Employment Opportunity Commission (check one):

race, my national origin by Mr. Tan
Today, He suspended me, for the
mere wiff of banana, and in fact
He didn't suspended & ultimately
fired another woman named
Martha Jackson for taking an
over ripped banana and etc, in
fact she lied to the supervisor in
Boston when he stated that I never
apologize or care for what I did.

On the week of July 15, 2011 through July 26,
2011 I don't received any counseling,
preventive measures or corrective
ways to avoid my termination
(my job) the only sole of income
that I have.

And finally as I stated before on 4/21/12
my case is also based on
Relation, for complaints that
I made on other Co-workers
for Harassment & defamation of
character. Thank you.



✓ has not issued a Notice of Right to Sue letter.
✓ issued a Notice of Right to Sue letter, which I received on 01-10-2012 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

 60 days or more have elapsed.
 less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

Wrongful termination of my job.
Emotional distress, pain & suffering, discrimination
against my person - Harassment.
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)
\$ 300,000

I declare under penalty of perjury that the foregoing is true and correct.

Signed this day of , 20 .

Signature of Plaintiff [Signature]

Address 802 - 9th Avenue
Apt 2B
New York N.Y.C.
10019

Telephone Number 646-318-2669

Fax Number (if you have one)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

12 CIV. 1311

ELSA RAMOS

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Millennium Partners
Sports club Management,
LLC

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
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FOR EMPLOYMENT
DISCRIMINATION

Jury Trial: ☒ Yes ☐ No
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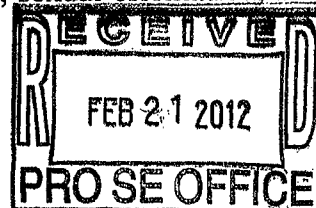
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I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name ECS A RAMOS
 Street Address 802- ninth avenue RA2B
 County, City NEW YORK City
 State & Zip Code NEW YORK 10019
 Telephone Number 646-318-2669 646-570-8214

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name Millennium Partners Sports Club mgmt
 Street Address 172 Tremont Street, 3rd floor
 County, City BOSTON
 State & Zip Code Massachusetts 02111
 Telephone Number 617-476-8910

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer Reebok Sports Club ny.
 Street Address 160 Columbus ave
 County, City Manhattan New York City
 State & Zip Code NEW YORK 10023
 Telephone Number (212) 362-6800

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- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

☒ Failure to hire me.
☐ Termination of my employment.
☐ Failure to promote me.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.

Retaliation.

Other acts (specify): Harassment from other employees

B. It is my best recollection that the alleged discriminatory acts occurred on: 07-14-11
07-15-11 - 07-26-11 Date(s)

is still committing these acts against me.

✓ is not still committing these acts against me.

☐ race ☐ color _____

☐ gender/sex ☐ religion

☐ national origin _____

☐ age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)

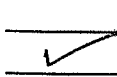
☐ disability or perceived disability, _____ (specify)

My case is base on retaliation,
for my complaints, due
to harassment for other co-workers.

Note: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.*

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: December 2011 (Date).

B. The Equal Employment Opportunity Commission (*check one*):



has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on 01-10-12 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

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Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

Wrongful termination of my job,
emotional distress 100,000
 (Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ___ day of _____, 20__.

Signature of Plaintiff

Address

[Signature]
802 4th Avenue
apt 2B
New York N.Y.C. 10019

Telephone Number

646-318-2669

Fax Number (if you have one)

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Elsa Ramos**
802 Ninth Avenue, Apt. #2B
New York, NY 10019

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2011-04237

Holly M. Woodyard,
Investigator

(212) 336-3643**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

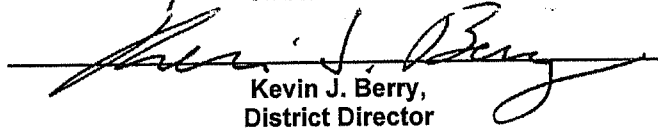
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Kevin J. Berry,
District Director

January 10, 2012

(Date Mailed)

Enclosures(s)

cc: **MILLENNIUM PARTNERS SPORTS CLUB MAN**
Attn: Director of Human Resources
172 Tremont Street, Third Floor
Boston, MA 02111

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